UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,313	06/12/2001	Julia Hirschberg	2001-0101	5114

7590   10/05/2005

Samuel H. Dworetsky
AT&T CORP.
Room 2A-207
One AT&T Way
Bedminster, NJ 07921

EXAMINER
SKED, MATTHEW J

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/879,313	HIRSCHBERG ET AL.
	Examiner	Art Unit	
	Matthew J. Sked	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 July 2005*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   The objection to the specification is withdrawn in view of the amendment filed 7/28/05.

2.   As per the objection the claim 5, the Applicant cites that claim 5 has been amended as suggested by the Examiner, however, the amendment to the claims filed 7/28/05 does not show this amendment and therefore the objection still stands.

3.   The objection to claim 12 is withdrawn in view of the amendment filed 7/28/05.

4.   The rejection to claim 5 under 35 USC 112 is withdrawn in view of the amendment filed 7/28/05.

5.   Claims 1 and 16 were rejected under 35 USC 103(a) as being unpatentable over Wolfe in view of Reynar. The Applicant traverses this rejection. Specifically, the Applicant states that the combination of Wolfe and Reynor neither teaches nor suggests, "using a selection feature to identify at least a portion of the one or more voicemail transcripts for delivery to one or more parties identified by the user". The Examiner respectfully disagrees. As cited in the previous Office Action Wolfe teaches providing the voicemail transcripts to one or more users. Reynar is simply relied upon to exhibit that selecting a portion of text for output is commonly known in the art. Therefore, modifying the teachings of Wolfe to select a portion of the text to transmit is a logical and obvious extension.

6. However, Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

7. It is noted that the applicant did not traverse the Official Notice taken in the previous Office Action and therefore it is taken to be admitted prior art (see MPEP 2144.03).

Claim Objections

8. Claim 5 is objected to because of the following informalities: the last line should be changed to —by the one **or** more users— (emphasis added).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 6, 8-10, 14-17, 21, 23 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolfe (U.S. Pat. 6,789,060).

As per claims 1, 16 and 21, Wolfe teaches a method and system for processing voicemail messages, the method comprising:

transcribing, through speech recognition, a plurality of voicemail

messages to produce a plurality of voicemail message transcripts (converts the

dictation information into text where the input can be a interactive telephony

application hence suggesting a voicemail system, col. 6, lines 22-29 and col. 4,

lines 29-37);

indexing the plurality of voicemail messages transcripts (indexes the

documents according to their current status and selectable subdirectories, col. 8,

lines 32-51 and 57-65);

providing the voicemail message transcripts to one or more users

(provides the text corresponding to speech to the user at the transcription station,

col. 7, lines 22-28);

receiving at least one selection action from the one or more of the users,

the at least one selection action identifying at least a portion of one or more of

the voicemail message transcripts for delivery to one or more parties identified by

the one or more users ("at least a portion" of the voicemail message would

include the entire message hence the user's inherent selection of the file for

correction and distribution would be a selection of a portion (the whole

document), col. 7, lines 22-46); and

providing selected portion of the one or more voicemail message

transcripts to the one or more parties specified by the one or more users

(transcriptionist alters the distribution information, col. 7, lines 41-46).

11.   As per claim 6, Wolfe teaches sending the text by electronic mail

(forwarded to a final destination via e-mail, col. 5, lines 51-56).

12.   As per claim 8, Wolfe teaches a method comprising:

processing a plurality of speech files to produce a plurality of indexed

speech file transcripts (converts the dictation information into text and indexes

the documents according to their current status and selectable subdirectories,

col. 4, lines 29-37, col. 8, lines 32-51 and 57-65);

receiving a request to deliver selected portions of at least one of the

indexed speech file transcripts to one or more intended recipients (the text

correction commands would inherently include deletion hence the user selects

the portions of the text not deleted to be transmitted, col. 7, lines 22-46); and

providing the one or more voicemail message transcripts to the one or

more parties specified by the one or more users (transcriptionist alters the

distribution information, col. 7, lines 41-46).

13.   As per claim 9, Wolfe teaches wherein processing the plurality of speech

files to produce a plurality of indexed speech file transcripts comprises: receiving

the plurality of speech file transcripts; performing automatic speech recognition

upon the speech files; and indexing the speech files (receives acoustical

reference files, transcribes them using a speech recognition support device and

indexes the documents according to their current status and selectable

subdirectories, col. 4, lines 29-37, col. 8, lines 32-51 and 57-65).

14.   As per claim 10, Wolfe suggests the speech files are voicemail messages

(input can be a interactive telephony application hence suggesting a voicemail

system, col. 6, lines 22-29).

15.   As per claim 14, Wolfe teaches sending the text by electronic mail

(forwarded to a final destination via e-mail, col. 5, lines 51-56).

16.   As per claim 15, Wolfe teaches the text is placed within the body of the

email (the text would necessarily be placed in the body, col. 5, lines 51-56).

17.   As per claim 17, Wolfe teaches the transcription is performed by automatic

speech recognition (col. 4, lines 29-37).

18.   As per claims 23 and 24, Wolfe teaches the selection delivery component

is configured to interface with an electronic mail message server (document

distribution device sends the message via e-mail hence connected to an

electronic mail message server, col. 5, lines 51-56).

Claim Rejections - 35 USC § 103

19.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

20.   Claims 2, 4, 6, 7, 12, 13 and 20 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Wolfe in view of Reynar and Glian D Gleith gleon @

Davidson et al. (U.S. Pat. 6,775,360).

As per claims 2 and 20, Reynar teaches playing audio corresponding

solely to the portion of the text selected by the user (col. 4, lines 39-51).

Wolfe does not teach audio files of the voicemail messages are provided to the one or more parties specified by the one or more users.

Davidson teaches a messaging system that converts a voicemail message to email and sends the audio voicemail file along with the text (col. 3, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe to provide audio files to the recipient parties because it would enable the voice message to be indexed and searched as taught by Davidson (col. 1, lines 44-53).

21.   As per claim 4, Wolfe does not teach the voicemail message transcripts are audio files selected from one of mpx format, .wav format, a real audio format and an .mpg format.

Davidson teaches sending an audio voicemail file along with the text to the recipient where the audio file is in .wav format (col. 3, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe to provide audio files to the recipient parties in wave files because it would enable the voice message to be indexed and searched as taught by Davidson (col. 1, lines 44-53). .WAV files are a well-known audio format and would have been obvious to use.

22.   As per claim 7, Wolfe does not teach audio files of the voicemail messages are provided to the one or more parties specified by the one or more users.

Davidson teaches a messaging system that converts a voicemail message to email and sends the audio voicemail file along with the text (col. 3, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe to provide audio files to the recipient parties because it would enable the voice message to be indexed and searched as taught by Davidson (col. 1, lines 44-53).

23.   As per claim 12, Wolfe does not teach providing the selected portions in both text and audio format.

Davidson teaches a messaging system that converts a voicemail message to email and sends the audio file along with the text (col. 3, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe to provide audio files to the recipient parties because it would enable the voice message to be indexed and searched as taught by Davidson (col. 1, lines 44-53).

24.   As per claim 13, Wolfe does not teach audio files of the voicemail messages are provided to the one or more parties specified by the one or more users.

Davidson teaches a messaging system that converts a voicemail message to email and sends the audio voicemail file along with the text (col. 3, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe to provide audio files to the recipient

parties because it would enable the voice message to be indexed and searched as taught by Davidson (col. 1, lines 44-53).

22

25.   Claims 3, 11, 18 and 2̶4̶ are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe in view of Applicant's admitted prior art.

Wolfe does not teach the selection portion of the one or more voicemail message transcripts comprises a plurality of non-contiguous portions of one or more voicemail message transcripts.

Applicant's admitted prior art teaches that non-contiguous selection of text is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe so that the selected portion comprises a plurality of con-contiguous portions because it would allow multiple sections of the text to be selected by the user simultaneously hence making the system more versatile for the user.

26.   Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe in view of Reynar et al. (U.S. Pat. 6,446,041).

As per claim 5, Wolfe does not teach the audio files only contain audio of the portion selected by the one or more users.

Reynar teaches playing audio corresponding solely to the portion of the text selected by the user (col. 4, lines 39-51).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe so that the audio files only contain audio of the portion selected as taught by Reynar because this would give a smaller audio file that would be easier to send via email.

27.   As per claim 19, Wolfe does not teach the portion of the at least one speech message is less than a selection of the entire speech message.

Reynar teaches selecting a portion of text for output where the selected portion is less than the entire speech message (selects a portion of text and displays this text in a different color to differentiate it from the rest of the text hence the selected portion is less than the entire message, col. 4, lines 39-51).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe so the selected portion is less than the entire speech message as taught by Reynar since the sent message would be smaller hence saving transmission time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).
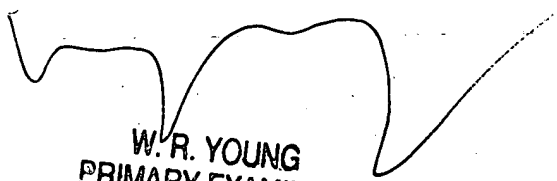
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

MS
10/02/05

W. R. YOUNG
PRIMARY EXAMINER